

At the 3/8/19 Council meeting,

Committee Report 42

and

Resolution 19-42

were recommitted back to the

Committee on Planning

REPORT OF THE COMMITTEE ON PLANNING

Voting Members:

Ikaika Anderson, Chair; Heidi Tsuneyoshi, Vice-Chair;
Michael Formby, Carol Fukunaga, Joey Manahan, Kymberly Marcos Pine

Committee Meeting Held
February 26, 2019

Honorable Ann H. Kobayashi
Interim Chair, City Council
City and County of Honolulu

Madam Chair:

Your Committee on Planning, to which was referred Resolution 19-42 entitled:

"RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED
ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE),
RELATING TO GROUP LIVING FACILITIES,"

introduced on February 20, 2019 reports as follows:

The purpose of Resolution 19-42 is to require the Director of Planning and Permitting to process an amendment to the Land Use Ordinance ("LUO"), ROH Chapter 21, concerning group living facilities in the same manner as if that amendment had been proposed by the Director.

The proposed LUO amendment, attached as Exhibit A to the Resolution, would exempt student housing facilities from the prohibition against having group living facilities located within 1,000 feet of each other.

At your Committee's meeting on February 26, 2019, the Acting Director of the Department of Planning and Permitting ("DPP") acknowledged receipt of official notification of the introduction of Resolution 19-42. The DPP Acting Director stated that the DPP will not object to the Council moving forward with Resolution 19-42 prior to the expiration of the 30-day review period during which the DPP may determine whether it has sufficient information and documentation to process the proposed LUO amendment.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 42

REPORT OF THE COMMITTEE ON PLANNING

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The DPP Acting Director noted that the DPP recognizes the high demand for more student housing within the University of Hawaii at Manoa campus neighborhood and will look into the issue.

Kamehameha Schools testified in support of the Resolution.

Your Committee has prepared a CD1 version of the Resolution that makes the following amendments:

- A. In SECTION 2 of the proposed bill, corrects the Ramseyering to underline "must not."
- B. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds that the LUO amendment proposed in this Resolution, as amended herein, appears to be consistent with the General Plan and Development Plans of the City and it appears that, if enacted, it would be in the best interests of the people of the City and County of Honolulu.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 42

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Your Committee on Planning is in accord with the intent and purpose of Resolution 19-42, as amended herein, and recommends its adoption in the form attached hereto as Resolution 19-42, CD1. (Ayes: Anderson, Formby, Fukunaga, Tsuneyoshi - 4; Noes: None; Excused: Manahan, Pine - 2.)

Respectfully submitted,



Committee Chair

At the March 8, 2019 Council meeting, CR-42 and Resolution 19-42 were committed back to the Committee on Planning.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 42



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-42, CD1

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO GROUP LIVING FACILITIES.

WHEREAS, the zoning maps and the Land Use Ordinance ("LUO") of the City and County of Honolulu ("City") establish zoning districts and zoning district regulations for the utilization of land in the City pursuant to Section 6-1514 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"); and

WHEREAS, each zoning district is designated for certain uses and restricted for other uses in order to encourage orderly development in accordance with adopted land use policies, including the Oahu general plan, and the applicable development plans or sustainable community plans, and to promote and protect the public health, safety, and welfare; and

WHEREAS, Section 21-10.1 of the Revised Ordinances of Honolulu 1990 ("ROH") provides that "group living facilities" means facilities that are used to provide living accommodations and, in some cases, care services, including facilities with accommodations for more than five resident individuals, except for individuals meeting the definition of family; and

WHEREAS, the Department of Planning and Permitting has classified dormitories and residences that provide housing for more than five unrelated students who are attending a boarding school, college, or university as "group living facilities"; and

WHEREAS, ROH Section 21-5.290(a) provides that unless directly related to public health and safety, a group living facility is prohibited from being located within 1,000 feet of another group living facility; and

WHEREAS, group living facilities are allowed, subject to obtaining a conditional use permit, in most zoning districts where dwellings are permitted, and the 1,000-foot distance required between group living facilities is intended to minimize the impact of a group living facility on the surrounding neighborhood; and

WHEREAS, off-campus student housing is typically located in close proximity to a related educational institution, and for educational institutions with large student enrollments, the prohibition against having group living facilities located within 1,000 feet of each other may severely limit the amount of student housing available; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-42, CD1

RESOLUTION

WHEREAS, communities in which educational institutions are located are often thriving, dynamic, and diverse, with exceptional community engagement and support; and

WHEREAS, the Council believes that close proximity of student housing facilities serving the same educational institution would not adversely impact the surrounding community; and

WHEREAS, Charter Section 6-1513 provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513, includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of the City Council ("Council") proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513, and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-42, CD1

RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the Clerk shall transmit copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting, and the Planning Commission, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Ann Kobayashi

DATE OF INTRODUCTION:

February 20, 2019
Honolulu, Hawaii

Councilmembers

EXHIBIT A



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO GROUP LIVING FACILITIES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the Land Use Ordinance relating to group living facilities.

SECTION 2. Section 21-5.290, Revised Ordinances of Honolulu 1990 ("Group living facilities"), is amended by amending subsection (a) to read as follows:

"(a) [~~Unless~~] Except for dormitories and residences that provide housing for students attending a boarding school, college, or university, unless directly related to public health and safety, [no] a group living facility [shall] must not be located within 1,000 feet of the next closest group living facility."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____

Mayor
City and County of Honolulu